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3743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

BRUCE A. BUHLER

SERIAL NUMBER: 09/236,373

EXAMINER: PRICE

FILED: JANUARY 25, 1999

GROUP ART UNIT: 3743

FOR: MULTIPLE FLAME TORCH APPARATUS

RENEWED PETITION UNDER 37 CFR 1.181

HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

In connection with the letter dated January 20, 2006 dismissing the undersigned Attorney of Record's previous petition to accept a copy of the originally filed amendment as a true copy of such originally filed amendment, it is hereby respectfully requested that the decision to dis-

miss the petition be reconsidered. More particularly, it is respectfully submitted that the Office is not appreciating the "logistics" or procedures normally performed in connection with the filing of an amendment, whereupon further reflection of the same, it is respectfully submitted that the Office will appreciate the fact that the procedures of the undersigned Attorney of Record, which were deemed "questionable", are in fact procedurally normal or logical.

It is initially noted, for example, that a response, that is, an amendment, was in fact originally timely filed on December 16, 2003 in response to the outstanding office action dated September 23, 2003, as evidenced by a copy of the date stamped filing receipt card that the undersigned attorney of record attaches, and has stamped, every time the undersigned Attorney of Record files a paper at the attorney's window of the United States Patent and Trademark Office. The office has questioned the fact of whether or not this "response" is in fact in response to the outstanding office action dated September 23, 2003. With all due respect to the Office, I believe the question begs the answer "YES"! Since the office action dated September 23, 2003 was the

ONLY outstanding communication from the office, that existed at such time in connection with this particular case, what else would the undersigned Attorney of Record possibly be "responding" to?

Secondly, the Office has noted that the copy submitted by the undersigned Attorney of Record was signed in blue ink. The reason for this is simple and is as follows: the undersigned Attorney of Record received a telephone call from Examiner Price asking if the undersigned Attorney of Record had in fact filed a response to the outstanding office action dated September 23, 2003. I informed him that I had. He then stated that the response was not in fact in his official office file. I then informed the Examiner that this was an extremely important case for my client and that we certainly did not want to abandon this application. I additionally asked Examiner Price what I should do in order to rectify this situation. He asked if I had a copy of my date-stamped filing receipt card evidencing filing of a response in a timely manner, and I told him that I did. He then asked me to hand-carry a copy of the original response to him personally so that he could in fact have the copy of the re-

sponse immediately entered into the official file. I did so, along with a Certification Statement certifying that what was being filed was a true and accurate copy of the original response filing of December 16, 2003.

Since we obviously maintain all of our records on computer, I simply printed a new copy of the original response from the computer. Obviously, my signature is not incorporated upon the documents stored in my computer, and therefore the newly printed copy of the response was unsigned. Accordingly, I did in fact sign the newly printed copy of the response - in blue ink - because I know the Office always prefer signatures in blue ink, as opposed to black ink, and in addition, I also know that the Office would not in fact accept an unsigned copy of the response and would in fact require me to come back to the office to sign the response if in fact I had neglected to sign the copy of the response when I submitted the copy of the response to the examiner. I know this as a fact because during my thirty-five (35) years of practice before the Office, I have in fact inadvertently forgotten, on more than one occasion, to sign a response filed with the Office and I have received a

telephone call, from one of the personnel in charge of processing newly filed responses, to the effect that I had in fact forgotten to sign the response and that I needed to come over to the Office and personally sign the same so that they may in fact enter the signed copy of the response into the file. It is therefore respectfully submitted that the "incongruency" of having a "copy" of the response signed in blue ink has now been simply, logically, and satisfactorily, explained.

In light of the foregoing, it is respectfully submitted that all of the queries of the Office in connection with the filing of the response on December 16, 2003 have been satisfactorily addressed and explained, and it is therefore respectfully requested that this application be returned to its active examination status whereby Examiner Price can complete the examination of this patent application.

Respectfully Submitted,  
**SCHWARTZ & WEINRIEB**



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